

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *ex rel.*,
STEPHEN A. KRAHLING and JOAN A.
WLOCHOWSKI,

Plaintiffs,

v.

MERCK & CO., INC.,

Defendant.

Civil Action No. 10-4374 (CDJ)

IN RE: MERCK MUMPS VACCINE
ANTITRUST LITIGATION

Master File No. 12-3555 (CDJ)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINT STIPULATION AND [PROPOSED] ORDER
TO AMEND THE PROTECTIVE ORDER**

WHEREAS, on January 26, 2015, the Court entered a Protective Order in the above-captioned cases (C.A. No. 10-4374, Dkt. No. 69; C.A. No. 12-3555, Dkt. No. 84);

WHEREAS, counsel for the parties, the United States, the U.S. Department of Health and Human Services, the U.S. Food and Drug Administration, and the Centers for Disease Control and Prevention have met and conferred regarding the Court's (sealed) May 16, 2019 Order (C.A. No. 10-4374, Dkt. No. 250; C.A. No. 12-3555, Dkt. No. 253) and agree that certain modifications to the Protective Order are necessary and appropriate to effectuate the May 16, 2019 Order;

NOW THEREFORE, the parties hereby stipulate and agree, and the Court hereby orders, that Paragraphs 7.2(d) and 7.3(d) of the Protective Order are amended to read as follows:

Government employees of FDA, CDC or HHS to whom disclosure is reasonably necessary provided that they agree to treat all such submissions consistent with 45 C.F.R. Part 5, 21 C.F.R. Part 20, 21 C.F.R. §601.51-(a) and any other applicable regulations regarding the submission and treatment of trade secret and confidential commercial or financial information, and provided that they agree to make reasonable efforts to notify the

Producing Party if they receive a request for any submission and determine that disclosure of any part of it may be required, as set out in 21 C.F.R. 20.61(e) and 45 C.F.R. 5.42. This provision is not intended to alter or enlarge any requirement or obligation of such Government employees beyond that imposed by applicable law.

DATED: September 18, 2019

Respectfully submitted,

/s/ Gordon Schnell

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BY THE COURT:


LYNNE A. SITARSKI, U.S.M.J.

Date: September 20, 2019